

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) 2:13-CR-450-APG-(GWF)
)
 SERGIO ESLI RIVERA,)
)
 Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that defendant SERGIO ESLI RIVERA pled guilty to Count One of a One-Count Superseding Criminal Information charging him with Conspiracy to Distribute and to Possess with Intent to Distribute a Controlled Substance in violation of Title 21, United States Code, Sections 841(a)(1) and 846. Change of Plea, ECF No. 87; Plea Agreement, ECF No. 90; Superseding Criminal Information, ECF No. 92.

This Court finds defendant SERGIO ESLI RIVERA agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information. Change of Plea, ECF No. 87; Plea Agreement, ECF No. 90; Superseding Criminal Information, ECF No. 92.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information and the offense to which defendant SERGIO ESLI RIVERA pled guilty.

1 The following asset is any property constituting, or derived from, any proceeds obtained,
2 directly or indirectly, as the result of violations of Title 21, United States Code, Sections 841(a)(1) and
3 846:

4 \$3,734 in United States Currency (property).

5 This Court finds the United States of America is now entitled to, and should, reduce the
6 aforementioned property to the possession of the United States of America.

7 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
8 United States of America should seize the aforementioned property.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
10 SERGIO ESLI RIVERA in the aforementioned property is forfeited and is vested in the United States
11 of America and shall be safely held by the United States of America until further order of the Court.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
13 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
14 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
15 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
16 name and contact information for the government attorney to be served with the petition, pursuant to
17 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
19 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
20 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
21 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
22 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
23 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
24 petition and the relief sought.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
26 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than

1 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
2 after the first day of the publication on the official internet government forfeiture site,
3 www.forfeiture.gov.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
5 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
6 following address at the time of filing:

7 Michael A. Humphreys
8 Assistant United States Attorney
9 Daniel D. Hollingsworth
10 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
12 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
13 following publication of notice of seizure and intent to administratively forfeit the above-described
14 property.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of
16 this Order to all counsel of record.

17 Dated: April 20, 2016.

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UNITED STATES DISTRICT JUDGE